

Development Workgroup Notes

5/7/07

Subdivision Law - Proposals

- **Blanket Encumbrances and Lot Release Provisions:**
 - Consider as discussion point need to hold, and quality of, “title”, including ability to sell encumbered lots.
 - Address R4-28-B1209 relating to blanket encumbrance safe harbors.
- **Parking Issues with Condos**
Address Parking in statutes and rules.
- **Application Process – Expedited vs. regular**
Extend Expedited Process
- **Illegal Subdivisions**
Definition of a Subdivision - Standardization between cities and counties
Three splits; rather than five splits. Re-define “Subdivision”.
MLD – As “mini-subdivision”
- **Clarify and simplify definition of Subdivider and Subdivision.**
Who is a subdivider?
- **Different classifications for who is required to get a Public Report.**
- **Regulate how land is sold, not subdivided, based on DRE definition.**
- **DRE does not regulate sales of lots in subdivision by real estate agent.**
- **DRE should not be writing public report. Clarify person filing should be preparing public report.**
- **Department considers getting out of examination and more of an enforcement, after registration.**
Check for minimum requirements only. How does that benefit the public?
Make certain that we comply for minimum interstate certification land sales, not too liberal.
Not endorsed by State Agency, simply Developer issues the report with the requirements by DRE.
- **Make the Inspection Program more meaningful**

- **Simplify Amendment Process**
- **Broader & better exemption section (what you don't need)**
- **Deal with subsequent owner issue**
- **Ownership – Should it be required to issue a Public Report? Public protection needs to be built-in.**
- **Recorded Plat – Should it be required? Condos too? Build new laws – cannot close escrow, neutral escrow accounts.**
- **Exemptions**
Commercial vs. Residential (mixed use); How does it fit in?
Out of state – doesn't fit in either category how does the developer know that they need to comply? Clearly define "equivalent" for out of state
- **Amendment - What constitutes material change?**
- **Escrow – Condo – Balance Earnest \$ Release for Developers while protecting consumer**
- **Define enforcement procedures and outcome. (Too broad of an impact for Builder because all subdivisions are impacted.)**
- **Examine for clarification the required background questions re: convictions.**
- **Look at unsubdivided land. Possibly do away with unsubdivided land?**
- **Look at developing State Standards for Subdivisions and Unsubdivided?**
- **Propose in state law that all counties adopt same subdivision requirements.**
- **Look at other state models regarding registration process. Group members to submit to Roy the information that they obtain on this subject for group distribution.**
- **Timeshares – Discuss Fractional Interests. Is it both timeshare and condo?**
- **Clarify Expedited Filing**

- **Title 9 & 11 govern city and county subdivisions – Not within ADRE jurisdiction**
Propose State Statutes for minimum requirements and standards for Minor Land Divisions.